



1100 NEW YORK AVENUE NW NINTH FLOOR WASHINGTON, DC 20005-3918 202.861.3000 F: 202.822.0944

June 22, 2001

Glenn J. Perry  
202.861.3070  
gjperry@pillsburywinthrop.com

Mr. Hiroshi Nirasawa  
Azusa Patent Office  
Ueno Suzuki Bldg., 7th Floor  
16-3, Ueno 3-Chome  
Taito-ku  
Tokyo 110  
JAPAN

Re: U.S. Application of ISHII  
Appln. No. 09/291,180  
Your Ref: OL79399N-US  
Our Ref: GJP/009523/0258844/RCP

Dear Mr. Nirasawa:

Thank you for your letters of April 13 and May 8, 2001. In accordance with your instructions, we paid the Issue Fee on April 25, 2001, in the U.S. Patent and Trademark Office. Enclosed is a copy of the Issue Fee Transmittal.

We also prepared and filed a Divisional Application and enclose Transmittal Letter copies, a copy of the application as filed, and our debit note. Further in accordance with your instructions, we prepared and filed an Information Disclosure Statement in the U.S. Patent and Trademark Office, copies of which are also enclosed.

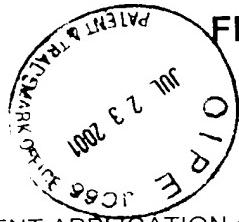
We will forward the Letters Patent upon receipt. In the meantime, should you have any questions, please do not hesitate to contact us.

Very truly yours,

Glenn J. Perry

GJP/RCP:dae

Enclosures



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications)

For Design, Provisional, or Utility Applications

**PATENT  
APPLICATION**

### COMPLETION Under Rule 53(f)

In re PATENT APPLICATION of  
Inventor(s): FARWICK et al.

Appln. No.: 09 |

Series Code ↑

834,722 |

Serial No. ↑

Atty.Dkt. P 280112 |

M#

000551 BT  
Client Ref

Filed: April 16, 2001  
Title: New Nucleotide Sequences Which Code for the menE Gene

Hon. Commissioner of Patents  
Washington, DC 20231

Date: July 23, 2001

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. **Notice to File Missing Parts**  copy attached  not yet received
2.  Signed Declaration attached.  Original  Facsimile/Copy  
  
(Always "X" box 2 if filling signed Declaration and  
 "X" box 2A only if top box of the Declaration is X'd and file application copy, or  
 "X" box 2B only if none of the top three boxes of the Declaration is X'd.)
- 2A.  Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
- 2B.  The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.
3.  Specification originally filed in non-English language; hence verified translation attached of:
  - a.  Abstract
  - b. # 37  pages of Specification(only spec. & claims)
  - c.  Drawing(s) 1  
No of Sheets
  - Fig(s) 1
4.  Letter filing formal drawing attached.
5.  Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.

6. **DOMESTIC/INTERNATIONAL** priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

| Application No. | Filing Date | Application No. | Filing Date |
|-----------------|-------------|-----------------|-------------|
| (1)             |             | (2)             |             |
| (3)             |             | (4)             |             |
| (5)             |             | (6)             |             |

7. **FOREIGN** priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in GERMANY

| Application No.     | Filing Date        | Application No.     | Filing Date    |
|---------------------|--------------------|---------------------|----------------|
| (1) DE 100 46 624.9 | September 20, 2000 | (2) DE 101 12 106.7 | March 14, 2001 |
| (3)                 |                    | (4)                 |                |
| (5)                 |                    | (6)                 |                |

9. \_\_\_\_\_ (No.) Certified copy (copies):  attached;  previously filed (date) \_\_\_\_\_  
in U.S. Application No. / filed on \_\_\_\_\_
10. Small Entity Status   is Not claimed  is claimed (file PAT-256 if this is the first claim of  
Small Entity Status)
11.  Attached:
12.  Amendment to Comply  
with Sequence Listing: see attached

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

|  |                                      |  |                            | Large/Small Entity                       | Fee Code          |
|--|--------------------------------------|--|----------------------------|--|-------------------|
| 13. Basic Filing Fee .....   |                                      | Design Application<br>Not Design Application                     | \$320/\$160<br>\$710/\$355 | +710                                     | 106/26<br>101/201 |
| 14. Total Effective Claims   | 38                                   | minus 20 =   | 18                         | x \$18/\$9                               | +324              |
| 15. Independent Claims   | 4                                    | minus 3 =  | 1                          | x \$80/\$40                              | +80               |
| 16. If <u>any</u> proper multiple dependent claim (ignore improper) is present,<br>(Leave this line blank if this is a reissue application)        |                                      |  | \$270/\$135                | +270                                     | 104/204           |
| 17. Surcharge for filing Declaration/filing fee late   |                                      |  | \$130/\$65                 | +130                                     | 105/205           |
|  |                                      |  |                            | FILING FEE ENCLOSED =                    | <b>\$1514</b>     |
| 18.  |                                      |  |                            |  |                   |
| 19. Original due date:   | July 29, 2001                        |  |                            |  |                   |
| 20. Petition is hereby made to extend the original due date to<br>cover the date this response is filed for which the requisite fee<br>is attached | (1 mo)<br>(2mos)<br>(3mos)<br>(4mos) | \$110/\$55 =<br>\$390/\$195 =<br>\$890/\$445 =<br>\$1390/\$695 = | +0                         | 115/215<br>116/216<br>117/217<br>118/218 |                   |
| 21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee . . . . .   |                                      | \$130  | +130                       | 139                                      |                   |
| 22. If "assignment" box 5 is X'd, add recording fee. . . . .   |                                      | \$40   | +40                        | 581                                      |                   |
| 23. Petition Fee for   |                                      | \$130  | +0                         |  |                   |
| 24.  |                                      |  | TOTAL FEE ENCLOSED =       | <b>\$1684</b>                            |                   |

Our Deposit Account No. 03-3975

Our Order No. 21123

280112

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP  
Intellectual Property Group**

1100 New York Avenue, NW  
Ninth Floor  
Washington, DC 20005-3918  
Tel: (202) 861-3000  
Atty/Sec: MAS/AMX

By Atty: Michael A. SanzoReg. No. 36912Sig: Michael A. SanzoFax: (202) 822-0944  
Tel: (202) 861-3020

**NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



## FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications)  
For Design, Provisional, or Utility ApplicationsPATENT  
APPLICATIONCOMPLETION Under  
Rule 53(f)In re PATENT APPLICATION of

Inventor(s): FARWICK et al.

Appln. No.: 09

834,722  
Series Code ↑ Serial No. ↓Atty.Dkt. P 280112 M# 000551 BT  
Client RefFiled: April 16, 2001  
Title: New Nucleotide Sequences Which Code for the menE Gene

Attn: Application Division

Hon. Commissioner of Patents  
Washington, DC 20231

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with Sequence Listing: see attached

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|  |               |  |  | Large/Small Entity | Fee Code                                 |
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| 18.  |               |  | FILING FEE ENCLOSED =  | \$1514             |  |
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| 24.  |               |  | TOTAL FEE ENCLOSED =   | \$1684             |  |

Our Deposit Account No. 03-3975  
Our Order No. 21123

C# 280112 M#

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Pillsbury Winthrop LLP  
Intellectual Property Group

1100 New York Avenue, NW  
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Tel: (202) 861-3000  
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**NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments**



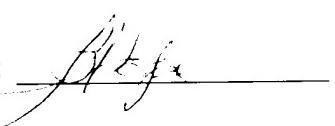
### TRANSLATOR'S DECLARATION

I, Janet Hope, BSc.(Hons.), MIL., MITI., translator to Messrs. Taylor & Meyer of 20 Kingsmead Road, London, SW2 3JD, Great Britain, verify that I know well both the German and the English language, that I have prepared the attached English translation of 39 pages of a German Patent application in the German language with the title:

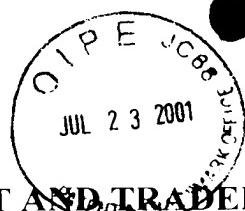
Neue für das menE-Gen kodierende Nukleotidsequenzen

identified by the code number 000551 BT / IP at the upper left of each page and that the attached English translation of this document is a true and correct translation of the document attached thereto to the best of my knowledge and belief.

I further declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that wilful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such false statements may jeopardize the validity of this document.

By: 

Date: 13<sup>th</sup> July 2001



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

FARWICK, *et al.*

Appl. No.: 09/834,722

Filed: April 16, 2001

For: **New Nucleotide Sequences which  
Code for the menE Gene**

Art Unit: to be assigned

Examiner: to be assigned

Atty. Dkt. 21123/280112

**Response to Notice to File Missing Parts**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith are several documents filed in response to the Notice to File Missing Parts of Nonprovisional Application received for the above-captioned application and dated May 29, 2001. Specifically, Applicants are filing: (a) all fees necessary to comply with the Notice; (b) a Declaration executed by the inventors; (c) an English language translation of the German text in the application along with the statement by the translator indicating that the translation is accurate; (d) a substitute Sequence Listing; (e) an Amendment to Comply with Sequence Listing Rules; and (f) a diskette containing a computer readable form of the Sequence Listing.

The Notice received from the Patent Office also indicates that new drawings are needed because those submitted contain text that is not in English. The notice refers to a flow chart that was not in English but that was marked up to include English text. Applicants believe that the Examiner may have made a mistake in this request since Applicant's copy of the application does not contain a flow diagram and the sole figure does not contain non-English language text. It is therefore respectfully submitted that the requirement for the submission of the new drawing is in error and it is respectfully requested that this requirement be removed. If, after reviewing the application, the Examiner still believes that the new

the new drawing is needed, it is respectfully requested that the Examiner call Applicants' undersigned attorney at (703) 905-2173 so that we can resolve the confusion regarding this matter.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: Michael A. Sanzo  
Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

Date: June 26, 2001  
1600 Tysons Boulevard  
McLean, VA 22102  
(703) 905-2173